

**REMARKS**

Claims 1 – 8, 10, 11 and 13 - 16 are pending in the present application. Claims 9, 12 and 17 are canceled by the present amendment.

Applicants wish for the Examiner to note that Applicants are filing herewith, an Information Disclosure Statement with a PTO-1449 that lists two references. Applicants respectfully request that with the next office communication, the Examiner include a copy of the PTO-1449 acknowledging that the Office considered the references.

In the Office Action, claims 1 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,490,045 to Dakin et al. (hereinafter "the Dakin et al. patent"), in view of U.S. Patent No. 4,139,302 to Hung et al. (hereinafter "the Hung et al. patent"). The application contains two independent claims, namely claims 1 and 15. Applicants amended claims 1 and 15 to include recitals that were previously presented in claims 9, 12 and 17.

Applicants note that on page 3 of the Office Action, in a discussion of claims 7, 12, 13 and 16, the Office Action makes reference to "Solomon". Whereas the rejection is based on the Dakin et al. and Hung et al. patents, Applicants are assuming that the reference to Solomon is a typographical error.

Claim 1 provides for a measurement unit for use in a measuring setup for measuring an optical device under test (DUT). The measurement unit includes, *inter alia*, (a) an optical circuit for providing an optical signal from and/or to the DUT via a fiber connection, (b) a shielding unit for holding the optical circuit and for providing at least a partial shielding of the optical circuit against mechanical noise, (c) a vibration absorption device for absorbing vibrations of the shielding unit, and (d) a DUT holding device, situated on top of the shielding unit, for holding the DUT.

FIG. 1 is an exploded view of an exemplary embodiment of a measurement unit 10, in accordance with claim 1. Measurement unit 10 includes (a) an optical circuit 20 for providing an optical signal from and/or to a DUT via a fiber connection, (b) a shielding unit (30, 40) for holding optical circuit and for providing at least a partial shielding of the optical circuit against mechanical noise, (c) a vibration absorption device (70A-D) for absorbing vibrations of the shielding unit, and (d) a DUT holding device (50), situated on top of the shielding unit, for holding the DUT. Whereas the vibration absorption device absorbs vibrations of the shielding unit, and whereas the DUT holding device is situated on top of the shielding unit, the vibration absorption device also absorbs vibrations of the DUT.

The Dakin et al. patent is directed toward an interferometer for sensing mechanical or thermal disturbances, for example (col. 1, lines 8 – 10). The Dakin et al. patent, with reference to FIG. 1, discloses a depolarizer 100 (col. 5, line 47) coupled to a fibre optic sensor loop 90 (col. 5, line 32). The Dakin et al. patent further discloses that certain components are in a vibration proof (acoustically isolated) housing (represented by a dotted line 160 in FIG. 1) with only the sensor loop external to that housing (col. 8, lines 13 – 19). The interferometer responds to perturbations or disturbances on sensor loop 90 (col. 6, lines 32 – 37).

The Office Action indicates that the sensor loop 90 and the depolarizer 100 of the Dakin et al. patent is a disclosure of the DUT of claim 1, and that the housing 160 of the Dakin et al. patent is a disclosure of the shielding unit of claim 1. However, the Dakin et al. patent **does not disclose or suggest** either of (i) a vibration absorption device for absorbing vibrations of a shielding unit, or (ii) a DUT holding device situated on top of the shielding unit, for holding the DUT, both of which are recited in claim 1.

Moreover, whereas the Dakin et al. expressly describes **sensor loop 90 as being subjected to perturbations or disturbances**, the Dakin et al. patent teaches away from a system that absorbs vibrations of sensor loop 90, and therefore **teaches away from absorbing vibrations of the DUT**. Consequently, the Dakin et al. patent, **also teaches**

**away from** a combination of (i) a vibration absorption device for absorbing vibrations of a shielding unit, and (ii) a DUT holding device situated on top of the shielding unit, for holding the DUT, both of which are recited in claim 1.

As a further consequence of the Dakin et al. patent **teaching away from** claim 1, the Dakin et al. patent, whether considered independently or in combination with another reference, **cannot be asserted in a section 103(a) rejection of claim 1**. Thus, the Hung et al. patent cannot make up for the deficiencies of the Dakin et al. patent as the Dakin et al. patent relates to claim 1.

For the foregoing reasons, Applicants respectfully submit that claim 1 is patentable over the cited combination of the Dakin et al. and Hung et al. patents.

Independent claim 15 includes recitals similar to those of claim 1, as described above. Thus, claim 15, for reasoning similar to that of claim 1, is also patentable over the cited combination of the Dakin et al. and Hung et al. patents.

Claims 2 – 8, 10, 11, 13, 14 and 16 depend from claim 1. By virtue of this dependence, claims 2 – 8, 10, 11, 13, 14 and 16 are also patentable over the cited combination of references.

Claims 9, 12 and 17 are canceled. Thus, the rejection of claim 9, 12 and 17 is rendered moot.

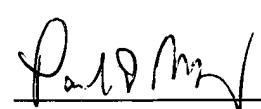
Applicants respectfully request reconsideration and withdrawal of the section 103(a) rejection of claims 1 – 17.

As mentioned above, Applicants amended claims 1 and 15 to include recitals that were previously presented in claims 9, 12 and 17, and claims 9, 12, and 17 are canceled. Applicants amended claims 10, 11 and 13 to change their dependencies in light of the cancellation of claims 9, 12 and 17. None of the amendments is intended to narrow the scope of any term of any claim. Therefore, the doctrine of equivalents should be available for all of the terms of all of the claims.

In view of the foregoing, Applicants respectfully submit that all claims presented in this application patentably distinguish over the prior art. Accordingly, Applicants respectfully request favorable consideration and that this application be passed to allowance.

Respectfully submitted,

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Date



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